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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,340	06/25/2003	David Wayne Gregg	64245	2643
27148 7590 01/09/2008 POL SINELLI SHALTON FLANIGAN SUELTHAUS PC 700 W. 47TH STREET SUITE 1000 KANSAS CITY, MO 64112-1802			EXAMINER ADDIE, RAYMOND W	
			ART UNIT 3671	PAPER NUMBER
			MAIL DATE 01/09/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/603,340

Applicant(s)

GREGG, DAVID WAYNE

Examiner

Raymond W. Addie

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 7, 10-17, 19-27, 29-33 and 49-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 10-17, 19-27, 29-33, 49-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119


- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.


RAYMOND ADDIE
PRIMARY EXAMINER

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/07 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 7, 10-17, 19-27, 29-33, 49-53 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Frakes # 4,735,567, in view of Chandler et al. # 3,910,738.

Frakes discloses an apparatus (16) for stamping wet concrete comprising:

A roller (18) having oppositely disposed ends, and a surface defined by a stamp having a pattern (12).

A receiver portion (32) including lateral members (unnumbered), and having oppositely disposed ends corresponding to the oppositely disposed ends of the roller.

A pivotal handle (30) in pivotable communication with a receiver portion comprising:

A cross bar (32) having oppositely disposed ends corresponding to the oppositely disposed ends of the roller. The cross bar for receiving compaction devices, for compacting the soft concrete.

Wherein the stamp includes at least one layer (12) of rubber material and a brick-type (22, 24) pattern and a micro-effect texture on the face (25) of each brick-type face.

See Cols. 3-4. What Frakes does not disclose is the use of a pivotable handle attached to the cross member of the roller nor the use of holder mechanisms for holding separate sets of weights. However, Chandler et al. teaches it is advantageously known to provide embossing rollers (14), with pivotably mounted handles (20) having an axially rotatable joint means (as illustrated in Fig. 1) adjacent the cross bar section (17) to facilitate use of the stamping roller. See Col. 1, Ins. 48-59.

Further, Chandler et al. teaches it is known to provide concrete finishing devices (10) with removable weights (26) and at least one holder mechanism (24) extending from a cross bar (17), intended for weighting the roller (10), to selective increase or decrease the compaction force generated, in accordance with the condition of material being compacted. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the compaction roller of Frakes with an extendable handle assembly, holder mechanisms, and removable weights, as taught by Chandler et al., in order to selectively increase or decrease the compaction force generated by said compaction roller assembly. See Chandler et al., Col. 1, Ins. 59-67.

With respect to claims 3, 4, 6, 7, 12-17, 22-27, Frakes discloses a patterned and textured roller (20), and the use of a cross bar (37) but does not disclose the use of removable weights.

However, Chandler et al. discloses it is known to dispose weights (26) and respective holder mechanisms, such as a post (24) to the cross bar (17) of a textured and patterned embossing roller (14), to selectively control the compaction force and thus the pattern/texture thus embossed onto the soft concrete. Although Chandler et al. does not teach using multiple holder mechanisms, it would be well within the one of ordinary skill in the art, to evenly space a plurality of holder mechanisms across the cross bar, in order to provide uniform, gravitational compaction forces, across the width of the roller. Since, to do only requires a mere duplication of parts for combined effect.

With respect to claims 49-53 Frakes in view of Chandler et al. disclose essentially all that is claimed, to include the use of at least one holder mechanism, for retaining removable weights on the cross bar to effect the stamping force created by the stamping roller. What Frakes in view of Chandler et al., do not disclose is the use of multiple holder mechanisms disposed adjacent the ends of the cross member.

However, to do so, would be well within the skill of one in the art, at the time the invention was made, because doing so would merely amount to a duplication of parts for multiplied affect, when the likelihood of success is self-evident.

Therefore, it would have been obvious to one of ordinary skill in the art, to provide multiple holders and weights, to the stamping roller of Frakes, as reasonably suggested by Chandler et al., in order to provide uniform compaction force to the stamping roller.

In regards to claims 31-33 Frakes discloses a method of stamping wet concrete comprising:

Providing a stamping apparatus comprising: A roller (16); a receiver portion (32) having oppositely disposed ends corresponding to oppositely disposed ends of said roller (18).

Moving the apparatus over the wet concrete being worked for stamping the concrete in accordance with the stamp.

What Frakes does not disclose is the step of providing an expandable handle, and at least one retainer intended for receiving removable weights.

However, Chandler et al., teaches it is known to provide concrete stamping devices (10) with at least one retainer (24), disposed on a cross member (17) of said roller (10) intended for receiving removable weights (26). Further Chandler et al., teaches it is known to add and remove separate sets of removable weights (26) from each at least one retainer (24) based upon the material being compacted by the compaction roller. Chandler et al. Cols. 1-3. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the method of stamping concrete of Frakes, with the step of providing expandable handles, retainers and removable weights to a compaction roller, as taught by Chandler et al., in order to

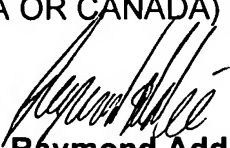
selectively increase or decrease the compaction force generated by the compaction roller, in accordance with the type of material being compacted.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond W. Addie whose telephone number is 571 272-6986. The examiner can normally be reached on 7am-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Raymond Addie
Primary Examiner
Group 3600

1/7/08